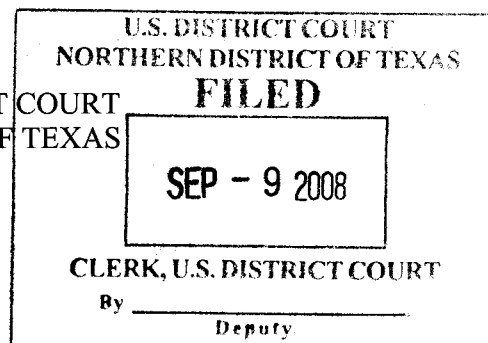


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION



PHIL EDWIN GARNER,

Petitioner,

v.

NATHANIEL QUARTERMAN, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

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2:05-CV-0258

**ORDER OVERRULING OBJECTIONS,  
ADOPTING REPORT AND RECOMMENDATION,  
and DENYING PETITION FOR A WRIT OF HABEAS CORPUS**

Petitioner has filed with this Court an application for a writ of habeas corpus by a person in state custody. On August 8, 2008, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that habeas relief be denied. On August 21, 2008, respondent filed objections to the Report and Recommendation. As of this date, petitioner has not filed any objections to the Report and Recommendation.

The undersigned United States District Judge has made an independent examination of the record in this case. The objections filed by respondent are hereby OVERRULED. The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the petition for a writ of habeas corpus filed by petitioner is hereby DENIED.

IT IS SO ORDERED.

ENTERED this 1<sup>st</sup> day of September 2008.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE